

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

## **ORDER AMENDING JUDGMENT**

This matter is before the Court on its own motion. The United States Probation Office has brought to the Court's attention the existence of a clerical error in the judgment imposed in this case on February 2, 2006 (Doc. 25). The Judgment recites that the nature of the offense in Count II is Distribution of Cocaine Base. This is incorrect. The Indictment (Doc. 1), the Plea Agreement (Doc. 19), and the Presentence Investigation Report (Doc. 24), all state that the nature of the offense in Count II is Distribution of Cocaine. The Judgment's reference to Count II is the result of clerical error.

Rule 36 of the Federal Rules of Criminal Procedure provides a mechanism for the correction of clerical errors in a judgment. The Rule states:

After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.

Rule 36, Fed. R. Civ. P.

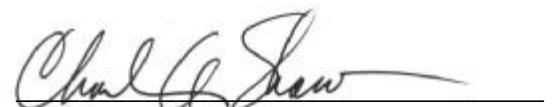
The failure of the Judgment to accurately reflect that the offense in Count II was Distribution of Cocaine is a clerical error for which relief is available under Rule 36, and the Court will issue an Amended Judgment. Under the circumstances of this case there is no need for advance notice to the parties because the error is merely clerical, and sentence was properly imposed based on the correct charges II as reflected in the indictment, plea agreement, and presentence investigation report.<sup>1</sup>

<sup>1</sup>The defendant has filed motions for reduction of sentence pursuant to 18 U.S.C. § 3582. This order does not affect those pending motions in any way.

Accordingly,

**IT IS HEREBY ORDERED** that the Judgment imposed herein on February 2, 2006 [Doc. 25] is **amended** to reflect that the nature of the offense in Count II is Distribution of Cocaine.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall prepare an Amended Judgment which shall reflect that the nature of the offense in Count II is Distribution of Cocaine. The Judgment shall remain in full force and effect in all other respects.



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 27th day of February, 2008.